

REMARKS/ARGUMENTS

After the foregoing Amendment claims 1, 4-6 and 10 are pending in this application. Claims 2-3, 7-9 and 11 are canceled without prejudice. Claim 1 is amended. All claim amendments are fully supported in the specification. No new matter has been added.

Double Patenting Rejection

Claims 1, 3-6 and 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 7,149,192.

A terminal disclaimer is submitted to overcome the rejections over the claims of U.S. Patent No. 7,149,192. The withdrawal of the double patenting rejection is respectfully requested.

Claim Rejections - 35 USC §112

Claims 1, 3-6 and 10 are rejected under 35 USC §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Independent claim 1 is amended in this response to clarify the method elements and close any gap between the method elements. Therefore, the Applicant respectfully requests withdrawal of the Examiner's 35 USC §112 rejection of independent claim 1.

Claim 3 is incorporated into claim 1, and canceled. Claims 4-6 and 10 are dependant from claim 1, and the Applicant believes these claims are allowable for at least the same reasons as provided above in regards to independent claim 1.

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Based on the arguments presented above, withdrawal of the 35 USC §112 rejection of claims 1, 4-6 and 10 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure